
**Children & Family Services
Committee**

HB 2483

Brief Description: Providing a provision relating to background checks for unlicensed child care providers.

Sponsors: Representatives Hunter, Jarrett, Lantz, Kagi, Morrell, Ericks and Green.

Brief Summary of Bill

- Requires the sharing of information within the Department of Social and Health Services (DSHS) regarding child maltreatment by unlicensed child-care providers applying for reimbursement subsidies under the Working Connections Child Care (WCCC) program.
- Prohibits the Division of Child Care and Early Learning (DCCEL) from approving an unlicensed child-care provider for WCCC subsidies if the provider has a pattern or history of child maltreatment.

Hearing Date: 1/18/06

Staff: Sydney Forrester (786-7120).

Background:

The Children's Administration (CA) within the DSHS receives and investigates allegations of child abuse and neglect. Records of referrals and subsequent investigations of alleged child maltreatment are maintained within the CA's information system. Depending on the facts of the case, the CA is authorized to take action that ranges from removal of the child from the home to leaving the child in the home and attempting to engage the parents in voluntary services. Cases of child maltreatment, even those cases that result ultimately in a termination of parental rights, do not necessarily result in criminal prosecution and/or conviction.

The DCCEL, also with the DSHS, licenses child-care providers and approves unlicensed providers for receipt of reimbursement under the WCCC program for eligible low-income families. The child-care licensing process includes a fingerprint background check and a check of records in the CA's child maltreatment referral information system. The WCCC program approval process, however, is not a licensing process and usually includes only a background check for criminal convictions. Information regarding an unlicensed child-care provider's maltreatment of a child may not be detected in a criminal background check.

Summary of Bill:

Unlicensed child-care providers who apply to the DCCEL for approval to receive WCCC subsidies must sign a release authorizing the sharing of information, if any, within the DSHS regarding child maltreatment by the provider. The DCCEL must request from the CA any information about the provider's maltreatment of a child. The information must be provided within 20 days of receiving the request, or if no information exists, the CA must notify the DCCEL of its absence. A child-care provider who has a history or pattern of child maltreatment cannot be approved for receipt of WCCC subsidies.

The CA and its employees who provide the required information are immune from civil liability when the information is provided in good faith. Information regarding a provider's maltreatment of a child is used only to evaluate the provider's qualifications for receiving subsidies under WCCC. A person who wrongfully discloses information is guilty of a misdemeanor.

The DSHS is directed to define child maltreatment for the purposes of its application to approval of unlicensed child-care providers. The definition must include the requirement that the CA has determined that there is sufficient information to conclude that the child maltreatment occurred and that it resulted in the CA opening a case regarding the child.

Starting on September 1, 2006, the CA is prohibited from expunging from its records information about child maltreatment, except for records about alleged maltreatment that has not been substantiated. At the conclusion of the DCCEL's investigation, the provider may review his or her investigative file or any other file maintained by the CA relating to child maltreatment and to attach rebuttal documents. The CA may redact any information necessary for the purpose of maintaining confidentiality of persons reporting alleged abuse or neglect and children who are the alleged victims.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.